

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)	
v.)	
Eric Alexander Brown)	Case No: <u>3:98CR311-02</u>
)	USM No: <u>13964-058</u>
Date of Previous Judgment: <u>09/27/2000</u>)	<u>Christopher C. Fialko</u>
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 60 months **is reduced to** 49 months (Ct. One).

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>33</u>	Amended Offense Level: <u>31</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>168</u> to <u>210</u> months	Amended Guideline Range: <u>135</u> to <u>168</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

****The defendant is also serving a consecutive sentence in Count Two on a conviction of 18 § U.S.C. 924(c).**

Except as provided above, all provisions of the judgment dated 09/27/2000 shall remain in effect.

IT IS SO ORDERED.

Order Date: September 2, 2008

Effective Date: _____
(if different from order date)



Graham C. Mullen
United States District Judge

